

Regular Session, 2010

HOUSE BILL NO. 1477 (Substitute for House Bill No. 1015 by Representative Baldone)

BY REPRESENTATIVE BALDONE

JUVENILES: Provides relative to juvenile detention standards and licensing requirements

1 AN ACT

2 To amend and reenact R.S. 15:1110, relative to juvenile detention; to provide relative to
3 juvenile detention facilities and procedures; to provide for the development of
4 licensing standards; to provide for the creation of the Task Force on Juvenile
5 Detention Standards and Licensing; to require the licensing of juvenile detention
6 facilities; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:1110 is hereby amended and reenacted to read as follows:

9 §1110. ~~Licensing~~ Detention standards; licensing

10 A. It is the intent of the legislature to protect the health, safety and
11 well-being of the children of this state who are placed in juvenile detention facilities.
12 Toward this end, it is the purpose of this Part to provide for the establishment of
13 statewide standards for juvenile detention facilities, to ensure maintenance of these
14 standards, and to regulate conditions in these facilities through a licensing program.
15 It shall be the policy of this state that all juvenile detention facilities provide
16 temporary, safe, and secure custody of juveniles during the pendency of juvenile
17 proceedings, when detention is the least restrictive alternative available to secure the
18 appearance of the juvenile in court or to protect the safety of the child or the public.
19 B. ~~The single state entity created pursuant to R.S. 46:2757~~ On or before July
20 1, 2011, the Louisiana Juvenile Detention Association shall develop and recommend

1 uniform standards ~~and licensing procedures~~ for local juvenile detention facilities.

2 ~~These standards should~~ facilities that comport with nationally recognized and

3 accepted best practice standards for ~~practice within the local~~ juvenile detention

4 facilities. In developing these standards, the Louisiana Juvenile Detention

5 Association shall seek input and guidance from the Task Force on Juvenile Detention

6 Standards and Licensing provided for in Subsection D of this Section. ~~The uniform~~

7 standards and licensing procedures shall address, but not be limited to the following

8 areas:

9 (1) ~~Operational requirements.~~

10 (2) ~~Staff qualifications and training of local juvenile detention staff, which~~

11 shall include educational programs designed to improve the quality of services and

12 specific training in recognizing and reporting of child abuse and neglect.

13 (3) ~~The ratio of staff to children in each local juvenile detention facility.~~

14 (4) ~~Policies for admission, transfer, discharge, aftercare supervision, and~~

15 follow-up services appropriate to the needs of the child.

16 (5) ~~Standards of care, including provisions to administer any early, periodic~~

17 screening, diagnosis, and treatment program and to treat appropriately any condition

18 revealed by screening.

19 (6) ~~Treatment needs for those with substance abuse disabilities.~~

20 (7) ~~Standards to assure a safe, humane, and caring environment.~~

21 (8) ~~Access to required programs and services, including educational services.~~

22 (9) ~~A risk and needs assessment for each child, including criteria for the~~

23 placement of a child in a particular local juvenile detention center or in a nonsecure

24 alternative.

25 (10) ~~Criteria for determining population limits for each local juvenile~~

26 detention facility which may not be exceeded except in emergency circumstances

27 during which time staffing ratios and levels of services must be maintained.

28 (11) ~~Competency and character development to assist children in becoming~~

29 responsible and productive members of society.

1 ~~(12) The accountability of the child to the victim and the community for~~
2 ~~offenses committed.~~

3 ~~(13) Procedures to provide a program of treatment, training, and~~
4 ~~rehabilitation consistent with the child's best interests and the protection of public~~
5 ~~interest.~~

6 ~~(14) The rights of children in a local juvenile detention facility, which shall~~
7 ~~include provisions relative to the right to privacy, visitors, use of telephones, and~~
8 ~~mail delivery.~~

9 ~~(15) Procedures for reporting complaints.~~

10 ~~(16) Prohibitions against the use of excessive force against a child.~~

11 ~~(17) Internal auditing and monitoring of local programs and facilities in the~~
12 ~~juvenile justice system, including compliance with all regulations and procedures.~~

13 ~~(18) Such other regulations or standards that will ensure proper care and~~
14 ~~treatment of children as may be deemed necessary for the effective administration~~
15 ~~of local juvenile detention facilities.~~

16 ~~B. All agencies, departments, offices, and institutions of the state, including~~
17 ~~the state universities and the community and technical colleges, shall cooperate in~~
18 ~~developing and implementing these standards.~~

19 ~~C. For purposes of this Part, detention includes detention of a child both~~
20 ~~before and after adjudication.~~

21 C. On or before January 1, 2012, the Department of Social Services shall
22 develop and promulgate, in accordance with the provisions of the Administrative
23 Procedure Act, rules governing the licensing of juvenile detention facilities
24 consistent with the standards recommended by the Louisiana Juvenile Detention
25 Association. In developing these rules, the department shall seek input and guidance
26 from the Task Force on Juvenile Detention Standards and Licensing provided for in
27 Subsection D of this Section.

28 D. The Task Force on Juvenile Detention Standards and Licensing shall
29 include representation of the following organizations:

1 (1) A representative of each of the existing juvenile detention facilities in
2 this state.

3 (2) The Louisiana Juvenile Detention Association.

4 (3) The Louisiana District Attorneys Association.

5 (4) The Louisiana Public Defenders Board.

6 (5) The Louisiana Sheriffs' Association.

7 (6) The Juvenile Justice Project of Louisiana.

8 (7) The Department of Public Safety and Corrections, office of juvenile
9 justice.

10 (8) The Louisiana Council of Juvenile and Family Court Judges.

11 (9) The Department of Education.

12 (10) The Department of Social Services.

13 (11) The Department of Health and Hospitals.

14 (12) The Louisiana Chapter of the American Academy of Pediatrics.

15 (13) The Louisiana Municipal Association.

16 (14) The Louisiana Police Jury Association.

17 (15) The Louisiana Commission on Law Enforcement and Administration
18 of Criminal Justice.

19 (16) Representatives from the juvenile drug court community.

20 E. On or before January 1, 2013, all juvenile detention facilities, including
21 facilities owned or operated by any governmental, profit, non-profit, private, or
22 public agency, shall be licensed pursuant to the provisions of Subsection C of this
23 Section.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Baldone

HB No. 1477

Abstract: Provides relative to the development of uniform standards for juvenile detention facilities and provides for the licensing of such facilities.

Present law provides that the single state entity for children created pursuant to R.S. 46:2757 shall develop and recommend uniform standards and licensing procedures for local juvenile detention facilities and provides for the areas in which the uniform standards and licensing procedures shall be developed.

Proposed law changes present law to require that on or before July 1, 2011, the Louisiana Juvenile Detention Association shall develop and recommend uniform standards for local juvenile detention facilities that comport with nationally recognized and accepted best practice standards for juvenile detention facilities.

Proposed law provides that on or before January 1, 2012, the Department of Social Services shall develop and promulgate rules for the licensing of juvenile detention facilities.

Proposed law creates the Committee on Juvenile Detention Standards and Licensing which shall include representation of the following organizations: a representative from each of the existing juvenile detention facilities in this state, the La. Juvenile Detention Association, the LDAA, the La. Public Defender Board, the La. Sheriffs' Association, the Juvenile Justice Project of Louisiana, OJJ, the La. Council of Juvenile and Family Court Judges, the Department of Education, DSS, DHH, the La. Chapter of the American Academy of Pediatrics, the La. Municipal Association, the La. Police Jury Association, the La. Commission on Law Enforcement and Adm. of Criminal Justice, and representatives from the juvenile drug court community.

Proposed law provides that on or before January 1, 2013, all current juvenile detention facilities shall be licensed pursuant to proposed law.

(Amends R.S. 15:1110)